

REMARKS

Applicant has now amended this application in response to the Office Action. The claims have been amended to focus on two features which are simply not shown by the *Baier* reference. In *Baier*, a wind deflector 8 hits a stop on the same side of the pivot axis to which the wind deflector is positioned. With this arrangement the wind deflector is unable to extend vertically far above the opening, and thus the amount of wind deflecting being provided will be less than that of Applicant's claimed invention. Claim 1 requires that the stop be on an opposed side of the pivot axis from the portion of the wind deflector which does extend vertically above the closure. In this manner, the portion of the wind deflector which extends above the closure can extend further above the closure. This is clear from a review of Figure 1 of the instant application and a comparison to Figure 1 of the *Baier* patent. Further, dependent claim 12 requires that this stop be rearward of the pivot axis whereas the portion of the wind deflector which does extend vertically above the closure be forward of the pivot axis. This provides for a more reliable stop surface, as a force from the wind will tend to simply bias the wind deflector more against the stop surface.

Finally, as should be appreciated from the phantom line in Figure 1 of *Baier*, the closure forward portion 11 will not contact the seal 2 in the closed position. Rather, a portion 8-10 of the *Baier* wind deflector will be apparently caught between the closure 12 and the seal 2. This is, the wind deflector forms a portion of the seal. This might have undesirable characteristics with regard to sealing. Claim 8 has been amended to make clear that the wind deflector is received entirely below the closure in the stowed position, and this claim cannot be met by *Baier*.

For the reasons set forth above, all claims are allowable. An indication of such is requested.

Respectfully submitted,

CARLSON, GASKEY & OLDS

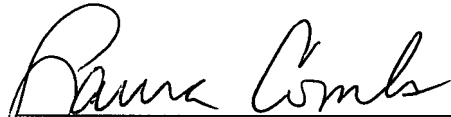
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Dated: February 20, 2001

CERTIFICATE OF MAILING

I hereby certify that the enclosed Amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Assistant Commissioner of Patents, Washington D.C. 20231 on February 20, 2001.



Laura L. Combs

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APPENDIX 1

“VERSION WITH MARKINGS TO SHOW CHANGES MADE”

1. (Amended) A vehicle roof comprising:

an aperture;

a roof closure member movable between open and closed positions, and said closure member enclosing said aperture when in said closed position, and exposing said aperture when in said open position; and

a wind deflector, said wind deflector being movable between an extended position at which it extends vertically above said closure member and said aperture when said closure member is in said open position, said wind deflector being movable to a stowed position, and said wind deflector being biased to at least one of said extended and said stowed position, and movable based upon movement of said closure member to the other of said extended and closed position, said wind deflector being pivotable about an axis in a mount between said extended and stowed positions, and

a stop on said wind deflector positioned on an opposed side of said axis from said portion of said wind deflector which extends vertically above said closure member, said stop contacting said mount to prevent further rotation of said wind deflector relative to said mount when said wind deflector is in said extended position.

4. (Amended) A vehicle roof as recited in Claim [2]1, wherein said wind deflector is biased to said extended position by a spring mounted on said pivot axis.

6. (Amended) A vehicle roof as recited in Claim [2]1, wherein said wind deflector is biased to said extended position and moved to said stowed position by said closure member as said closure member moves to said closed position.

8. (Amended) A vehicle roof closure assembly comprising:

a closure member movable between open and closed positions, said closure member opening an aperture in said open position and closing the aperture in said closed position; and

a wind deflector mounted to be pivotable between an extended position and a stowed position, said wind deflector being biased to said extended position and being in said extended position when said closure is in said open position, said wind deflector extending upwardly above a vertical position of said closure when in said extended position, and said wind deflector being pivotable to a stowed position at which it is below said closure member, said wind deflector being biased toward said extended position by a spring mounted on a pivot axis, said wind deflector being pivotable in a mount, and said spring being mounted on said pivot axis, said wind deflector being entirely vertically below said closure member when in said stowed position, such that said closure contacts a seal vertically above said wind deflector in said stowed position, enclosing the aperture.